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10/576,165	04/19/2006	Eric Thelen	DE 030365	1808

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EXAMINER	
CHOKSHI, PINKAL R	
ART UNIT	PAPER NUMBER
2425	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/576,165	THELEN ET AL.	
	Examiner	Art Unit	
	PINKAL CHOKSHI	2425	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *07 July 2009*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1 and 4-22* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1 and 4-22* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 07/07/2009 with respect to claims 1, 19, and 21 have been considered but are moot in view of the new ground(s) of rejection. See the new rejection below.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. **Claims 1, 5-9, 11-16, and 19-22** are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 5,526,130 to Kim et al. (hereafter referenced as Kim) in view of US PG Pub 2002/0174430 to Ellis et al (hereafter referenced as Ellis).

Regarding **claim 1,** "a method for recording content on a record medium that contains a desired content descriptor" reads on the video cassette recorder that records a broadcast program based on a program title (abstract and col.1, lines 9-16) disclosed by Kim and represented in Fig. 1.

As to "method comprising the acts of: reading said desired content descriptor from said record medium" Kim discloses (col.2, lines 49-51) that the program title provided by user to record the program is read and encoded at the recording device.

As to "scanning the content of at least one multimedia source for desired content that matches said desired content descriptor" Kim discloses (col.2, lines 51-55) that the program title data inputted by user are detected and matched with broadcast program data received in the device.

As to "recording said desired content on said record medium" Kim discloses (col.2, lines 60-62) that the recording device records matching broadcast program.

Kim meets all the limitations of the claim except "wherein said desired content descriptor is already contained in a blank of said record medium, wherein inserting the record medium containing the desired content descriptor into a recording device triggers the recording device to automatically perform the acts of scanning and recording." However, Ellis discloses (col.6, lines 8-21, 63-65; col.7, lines 38-41) that the user inserts a smart card/flash memory, which contains the user preference, into the system, where system automatically scans and records content based on user's preference as represented in Fig. 1. Ellis further discloses (col.35, lines 58-64) that the content recorded on the memory is a non-volatile memory. Therefore, it would have been obvious to one of the ordinary skills in the art at the time of the invention to modify Kim's system by inserting a recording medium containing content descriptor into the recording device as taught by Ellis so the viewer does not have to manually enter all the recording information of his/her favorite programs.

Regarding **claim 5,** "the method, wherein said desired content descriptor contained in said record medium can be further altered and augmented" Ellis discloses (col.10, lines 5-8; col.19, lines 47-49) that the user preference can be set by the user. Therefore, it would have been obvious to one of ordinary skills in the art at the time of the invention to automatically store program title information as taught by Ellis in order to record only those programs that user likes.

Regarding **claim 6,** "the method, wherein said desired content descriptor can be transferred from said record medium to a record medium of the same type or to a record medium of a different type" Ellis discloses (col.6, lines 9-10; col.7, lines 38-41; col.10, line 59-col.11, line 3) that the user preference information stored on a flash memory can be transferred to a memory within controller 145 as represented in Fig. 1 and 2 (element 145). Therefore, it would have been obvious to one of ordinary skills in the art at the time of the invention to modify Kim's system by transferring preference information between recording mediums as taught by Ellis in order to have a backup copy of the preference information and also to record program on the storage medium of the other device.

Regarding **claim 7,** "the method, wherein said record medium is suited for electric and/or magnetic and/or optic recording of content" Kim discloses (abstract) that the video cassette recorder is used to record program.

Regarding **claim 8,** "the method, wherein said desired content descriptor is a keyword or a list of keywords" Kim discloses (col.4, lines 45-56) that the user provides a program title by inputting word or words.

Regarding **claim 9,** "the method, wherein said desired content descriptor obeys a pre-defined content description format" Kim discloses (col.5, lines 16-19; col.6, lines 22-27) that the broadcast schedule recognition data identifies predefined program title used to distinguish desired program title form the other program titles.

Regarding **claim 11,** "the method, wherein said desired content descriptor is a pre-defined content descriptor" Ellis discloses (col.6, lines 4-21) that the user preference is pre-defined so it can be compared with the programming data. Therefore, it would have been obvious to one of ordinary skills in the art at the time of the invention to automatically store program title information as taught by Ellis in order to automatically record programs that match the personalization program information without user entering program title information.

Regarding **claim 12,** "the method, wherein said desired content descriptor is defined by the user of said method" Kim discloses (col.4, lines 46-47) that the user provides a program title via data input device.

Regarding **claim 13,** "the method, wherein said content from at least one multimedia source comprises image and/or audio and/or text information" Kim discloses (col.4, lines 37-38; col.6, lines 10-13) that the image signal, transmitted from broadcast station, is received through the tuner of receiving device as represented in Fig. 1 (element 20).

Regarding **claim 14,** "the method, wherein said at least one multimedia source is a receiver for television and/or radio programs" Ellis discloses (col.11, lines 21-29) that the enhanced radio program receiver receives content information from the cable radio system as represented in Fig. 3A. Therefore, it would have been obvious to one of ordinary skills in the art at the time of the invention to receive signals from receiver as taught by Ellis in order to record or view programs that match with user personalization program information.

Regarding **claim 15,** "the method, wherein said at least one multimedia source is a device that is connected to a computer network, in particular to the internet" Ellis discloses (col.11, lines 21-29) that the enhanced radio program receiver receives content information from the Internet as represented in Fig. 3A (element 318). Therefore, it would have been obvious to one of ordinary skills in the art at the time of the invention to receive signals from receiver as taught by

Ellis in order to record or view programs that match with user personalization program information.

Regarding **claim 16,** "the method wherein said act of scanning the content of said at least one multimedia source for said desired content comprises image and/or audio and/or word processing" Kim discloses (col.2, lines 51-55; col.4, lines 37-38) that the image signal, transmitted from broadcast station, is received through the tuner of receiving device where the program titles are scanned and detected to match with user inputted program title.

Regarding **claim 19,** "a device for recording content on a record medium that contains a desired content descriptor" reads on the video cassette recorder that records a broadcast program based on a program title (abstract and col.1, lines 9-16) disclosed by Kim and represented in Fig. 1.

As to "device comprising: means for reading said desired content descriptor from said record medium" Kim discloses (col.2, lines 49-51) that the program title provided by user to record the program is read and encoded at the recording device.

As to "means for scanning the content of at least one multimedia source for desired content that matches said desired content descriptor" Kim discloses (col.2, lines 51-55) that the program title data inputted by user are detected and matched with broadcast program data received in the device.

As to "means for recording said desired content on said record medium" Kim discloses (col.2, lines 60-62) that the recording device records matching broadcast program.

Kim meets all the limitations of the claim except "wherein said desired content descriptor is already contained in a blank of said record medium, wherein connecting the record medium containing the desired content descriptor to the device triggers the scanning means to automatically perform the scanning and recording." However, Ellis discloses (col.6, lines 8-21, 63-65; col.7, lines 38-41) that the user inserts a smart card/flash memory, which contains the user preference, into the system, where system automatically scans and records content based on user's preference as represented in Fig. 1. Ellis further discloses (col.35, lines 58-64) that the content recorded on the memory is a non-volatile memory. Therefore, it would have been obvious to one of the ordinary skills in the art at the time of the invention to modify Kim's system by inserting a recording medium containing content descriptor into the recording device as taught by Ellis so the viewer does not have to manually enter all the recording information of his/her favorite programs.

Regarding **claim 20,** "the device wherein said means for scanning the content of said at least one multimedia source for said desired content comprises means for image and/or audio and/or word processing" Kim discloses (col.4, lines 37-38; col.6, lines 10-13) that the image signal, transmitted from broadcast

station, is received through the tuner of receiving device as represented in Fig. 1 (element 20).

Regarding **claim 21,** "a record medium comprising a desired content descriptor" reads on the video cassette recorder that records a broadcast program based on a program title (abstract and col.1, lines 9-16) disclosed by Kim and represented in Fig. 1.

As to "means for reading said desired content descriptor from said record medium to trigger the scanning of content of at least one multimedia source" Kim discloses (col.2, lines 49-51) that the program title provided by user to record the program is read and encoded at the recording device. Kim further discloses (col.2, lines 51-55) that the program title data inputted by user are detected and matched with broadcast program data received in the device.

As to "for desired content that matches said desired content descriptor and that is recorded on said record medium" Kim discloses (col.2, lines 60-62) that the recording device records matching broadcast program.

Kim meets all the limitations of the claim except "wherein said desired content descriptor is already contained in a blank of said record medium, wherein the record medium is configured to trigger a recording device to automatically perform the scanning of the content and recording the desired content in response to connecting the record medium to the device." However, Ellis discloses (col.6, lines 8-21, 63-65; col.7, lines 38-41) that the user inserts a smart

card/flash memory, which contains the user preference, into the system, where system automatically scans and records content based on user's preference as represented in Fig. 1. Ellis further discloses (col.35, lines 58-64) that the content recorded on the memory is a non-volatile memory. Therefore, it would have been obvious to one of the ordinary skills in the art at the time of the invention to modify Kim's system by inserting a recording medium containing content descriptor into the recording device as taught by Ellis so the viewer does not have to manually enter all the recording information of his/her favorite programs.

Regarding **claim 22,** "the record medium wherein said record medium is suited for electric and/or magnetic and/or optic recording of content" " Kim discloses (abstract) that the video cassette recorder is used to record program.

4. **Claim 4** is rejected under 35 U.S.C. 103(a) as being unpatentable over Kim in view of Ellis as applied to claim 1 above, and further in view of US PG Pub 2002/0174430 to Ellis et al (hereafter referenced as Ellis'430).

Regarding **claim 4,** combination of Kim and Ellis meets all the limitations of the claim except "the method wherein said desired content descriptor contained in said record medium cannot be further altered or augmented." However, Ellis'430 discloses (¶0184) that the edit button may not provide user witht eh ability to edit program information as represented in Fig. 3. Therefore, it would have been obvious to one of ordinary skills in the art at the time of the

invention to modify Kim and Ellis's systems by not providing option to alter content descriptor to user as taught by Ellis'430 so the content descriptor can not be erased by error.

5. **Claims 10, 17 and 18** are rejected under 35 U.S.C. 103(a) as being unpatentable over Kim in view of Ellis as applied to claim 1 above, and further in view of US PG Pub 2006/0072354 to Ohnuma (hereafter referenced as Ohnuma).

Regarding **claim 10,** "the method wherein said desired content descriptor comprises multimedia samples" Kim discloses (col.4, lines 52-56) that the program titles inputted by user are for the desired broadcast program.

Combination of Kim and Ellis meets all the limitations of the claim except "descriptor comprises multimedia samples." However, Ohnuma discloses (¶0066 and ¶0067) that the user selects the desired program to record from the sample of broadcast program attributes given on the screen as represented in Fig. 8. Therefore, it would have been obvious to one of the ordinary skills in the art at the time of the invention to modify Kim and Ellis' systems to use multimedia sample to record the desired program as taught by Ohnuma in order to record the desired program in the recording medium when viewers can not remember program name.

Regarding **claim 17,** combination of Kim and Ellis meets all the limitation of the claim except "the method, wherein said act of scanning the content of said

at least one multimedia source for said desired content is performed dynamically depending on the available amount of content and/or on the already recorded content." However, Ohnuma discloses (¶0123) that upon the instruction for reproduction of a program from user, viewing control application scans out programs recorded in the storage and reproduced the program for the user. Therefore, it would have been obvious to one of the ordinary skills in the art at the time of the invention to modify Kim and Ellis' systems to scan the recorded program content on the device as taught by Ohnuma in order to reproduce the instructed program from the recording medium quicker than scanning other devices to reproduce a desire program.

Regarding **claim 18,** "a machine-readable medium embodying a computer program, the computer program when executed by a processor is configured to perform the acts of claim 1" Ohnuma discloses (¶0125 and ¶0126) that a program including series of processing step is installed in a computer. Therefore, it would have been obvious to one of the ordinary skills in the art at the time of the invention to install the program on computer readable medium as taught by Ohnuma so the user without TV equipments can use computer device to run the above operation.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PINKAL CHOKSHI whose telephone number is (571) 270-3317. The examiner can normally be reached on Monday-Friday 8 - 5 pm (Alt. Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Pendleton can be reached on 571-272-7527. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Pinkal Chokshi/
Examiner, Art Unit 2425

/Brian T. Pendleton/
Supervisory Patent Examiner, Art Unit 2425